IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LISA LAMBERT,
Plaintiff

v.

SUPERINTENDENT WILLIAM WOLFF, in his individual capacity,

and

DEPUTY SUPERINTENDENT CHARLES UTZ, in his individual capacity,

and

CAPTAIN KEITH BARTLETT, in his individual capacity,

and

JOHN RAUN, in his individual capacity,

and

JAMES EICHER, in his individual capacity,

and

DEPUTY SUPERINTENDENT VICTORIA DORMANIC, in her individual capacity,

Defendants

C.A. 96-247 Erie

COMPLAINT

I. Jurisdiction

1. A female prisoner of the State Correctional Institution at Cambridge Springs, Pennsylvania brings this Section 1983 action to recover damages for profound violations of her civil rights.

She invokes this Court's jurisdiction to address her claims under 28 U.S.C. Section 1343, a statute that confers federal jurisdiction over actions alleging violations of constitutional rights by persons acting under color of state law. In this case, it is asserted that rights protected by the Fourth and Eighth Amendments to the United States Constitution were repeatedly trampled by the plaintiff's custodians, causing her serious and protracted harm.

II. Parties

2. The plaintiff, Lisa Lambert, was an inmate of the State Correctional Institution at Cambridge Springs throughout the time period encompassed by this complaint.

3. Defendant William Wolff was the Superintendent of the State Correctional Institution at Cambridge Springs throughout the time period covered by this complaint. In that capacity, he was responsible for establishing and implementing policies, practices and procedures to protect female prisoners from physical or sexual exploitation or abuse at the hands of male guards; for the training of male guards in the management and care of female prisoners in ways that avoided the physical or sexual exploitation of the inmates; for the monitoring and supervision of male guards while they interacted with female prisoners; for the investigation of incidents of possible physical or sexual exploitation or abuse of female prisoners by male guards; and for the disciplining of guards who were engaging in such activities with female prisoners.

4. Defendant Charles Utz was a Deputy Superintendent at the prison throughout the time period covered by this complaint. In that capacity, he had the administrative authority as well as the responsibility to meaningfully investigate Lisa Lambert's allegations that she was being physically and sexually abused by guards under his command and to initiate appropriate administrative action to end the abuse and, thereby, protect Ms. Lambert from harm at the hands of his subordinates. He was also responsible for the training of male guards in the management and care of female prisoners in ways that avoided the physical or sexual exploitation of the inmates; for the investigation of possible acts of sexual or physical abuse by guards under his command; and for the supervision and monitoring of guards while they interacted with inmates in the institution.

5. Defendant Keith Bartlett was the Intelligence Captain at the prison throughout the time period covered by this complaint. In that capacity, he was responsible for investigating acts of possible physical or sexual abuse by prison guards, and for identifying guards to the prison administration who were engaging in such activities.

6. Defendant John Raun was a guard at the prison throughout the time period covered by this complaint.

7. Defendant James Eicher was a guard at the prison throughout the time period covered by this complaint.

8. Defendant Victoria Dormanic was a Deputy Superintendent at the prison throughout the time period covered by this complaint.

9. When violating Lisa Lambert's civil rights, the defendants acted under color of state law within the meaning of the Civil Rights Act of 1871.

III. Facts

10. Lisa Lambert was admitted to the State Correctional Institution at Cambridge Springs--a minimum security women's prison operated by the Pennsylvania Department of Corrections--in January of 1993.

11. Beginning in May of 1993, and continuing into October of 1994, officer Raun on several occasions kissed and fondled Lisa Lambert, against her will, within the confines of the prison. He also maliciously and sadistically beat her several times.

12. In addition to officer Raun's ongoing victimization of Lisa Lambert, officer Eicher also abused Ms. Lambert both physically and sexually within the prison walls.

13. On three occasions between August 20, 1994 and October of 1994, officer Eicher had sexual intercourse with Lisa Lambert and otherwise sexually assaulted her. There were numerous other times when officer Eicher either sexually assaulted or beat Ms. Lambert.

14. The abuse administered to Lisa Lambert by officers Raun and Eicher caused the plaintiff severe emotional distress, humiliation, embarrassment and depression as well as physical injuries.

15. In May of 1996, officer Eicher was criminally prosecuted and convicted of aggravated sexual assault, indecent assault, and official oppression in connection with his abuse of Lisa Lambert.

16. Officers Raun and Eicher were tacitly encouraged and able to exploit Ms. Lambert because of the deliberate indifference of defendants Wolff, Utz and Bartlett.

17. On information and belief, other SCI-Cambridge Springs guards were sexually harassing and abusing female prisoners prior to and throughout this time period. However, defendants Wolff, Utz and Bartlett acquiesced to this pattern of exploitation.

18. On information and belief, Superintendent Wolff and Deputy Superintendent Utz did not establish or implement adequate policies, practices and procedures to protect female prisoners from sexual or physical abuse at the hands of male guards; did not adequately train male guards in the management and care of female prisoners in ways that would avoid the sexual or physical exploitation of such prisoners; did not have in place adequate mechanisms to monitor or supervise male guards while they interacted with female inmates; did not see to it that complaints of sexual or physical abuse or possible incidents of such abuse were adequately investigated; and did not take necessary and appropriate steps to discipline guards who were engaging in such activities with female prisoners. These omissions--in an environment that inherently lent itself to sexual abuse and exploitation--were the product of deliberate indifference on the

part of these defendants to the safety and physical integrity of Lisa Lambert and other women confined at the prison.

19. The deliberate indifference that characterized the administration's approach to the problem of the sexual abuse and exploitation of female inmates by prison personnel during this time period had the effect of tacitly authorizing and encouraging officer Raun's and Eicher's abuse of Lisa Lambert and was a moving force and cause of the constitutional violations at issue.

20. On information and belief, Deputy Superintendent Utz was informed as early as July of 1993 about officer Raun's abusive conduct towards Lisa Lambert but failed as a result of his indifference to take appropriate measures to control Raun's behavior. This also enabled Raun to inflict abuse on Lisa Lambert.

21. On information and belief, defendants Wolff, Utz and Bartlett failed to apprise the Department of Corrections' Central Office of the pattern of sexual abuse that was being perpetrated by Cambridge Springs personnel against women prisoners during that time period. This was a factor that perpetuated the culture of abuse which infected the institution and enabled officers Raun and Eicher to sexually and physically exploit Lisa Lambert with impunity.

22. On information and belief, Captain Bartlett manifested deliberate indifference to the plight of the women confined to Cambridge Springs by failing during this time period to meaningfully investigate complaints of sexual and physical abuse by guards against other female inmates and against Lisa Lambert. His

indifference tacitly encouraged officers Raun and Eicher to abuse Ms. Lambert.

23. The egregious abuse of Lisa Lambert was not limited to the acts imposed on her by officers Raun and Eicher. In November of 1994, after Lisa Lambert returned to the prison from another facility, Deputy Superintendent Victoria Dormanic forced her to remove her clothing and to be videotaped and photographed in the presence of several female officers without any legitimate penological or institutional reason for doing so.

24. The cameras took pictures of the most private areas of Ms. Lambert's body, causing her extreme embarrassment and humiliation.

25. On information and belief, Superintendent Wolff authorized the videotaping and photographing of Lisa Lambert's nude body either specifically or as a matter of policy.

IV. Claims

26. Subjecting Lisa Lambert to ongoing sexual touching, fondling and kissing against her will inflicted cruel and unusual punishment in violation of the Eighth Amendment to the United States Constitution and offended the Fourth Amendment's prohibition against unreasonable searches and seizures.

27. Requiring Lisa Lambert to engage in sexual intercourse and oral sex against her will violated the Fourth and Eighth Amendments to the United States Constitution.

28. Requiring Lisa Lambert to expose her genitals and other private parts of her body against her will undermined her right to bodily privacy in violation of the Fourth Amendment and constituted cruel and unusual punishment.

29. Photographing and videotaping Lisa Lambert's naked body against her will under the circumstances of this case undermined her right under the Fourteenth Amendment to bodily privacy and inflicted cruel and unusual punishment.

30. The acts described above also violated Lisa Lambert's right to equal protection of the laws.

31. The acts and omissions of defendants Wolff, Utz and Bartlett described in the factual allegations of this complaint caused Lisa Lambert's rights under the Fourth, Eighth and Fourteenth Amendments to the Constitution to be violated.

V. Relief

For the reasons expressed above, the plaintiff respectfully requests the following relief:

(1) The entry of a declaratory judgment that her constitutional rights were violated;

(2) The award of compensatory and punitive damages;

(3) The award of reasonable attorney's fees, court costs, and litigation expenses.

Dated: August 20, 1996

Jere Krakoff
I.D. No. 13701
1705 Allegheny Building
Pittsburgh, PA 15219
(412) 232-0276

Angus Love
Pennsylvania Institutional
Law Project
924 Cherry Street, Ste. 523
Philadelphia, PA 19107
(215) 925-2966
Attorneys for plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LISA LAMBERT, Plaintiff v. SUPERINTENDENT WILLIAM WOLFE, in his individual capacity, DEPUTY SUPERINTENDENT CHARLES UTZ, in his individual capacity, CAPTAIN KEITH BARTLETT, in his individual capacity, JOHN RAUN, in his individual capacity, JAMES EICHER, in his individual capacity, and DEPUTY SUPERINTENDENT VICTORIA DORMANIC, in her individual capacity, Defendants.	Civil Action No. 96-247 Erie

ANSWER OF DEFENDANTS WOLFE, UTZ, BARTLETT RAUN AND KORMANIC TO COMPLAINT

Defendants, Wolfe, Utz, Bartlett, Raun, and Kormanic, by their attorneys, Thomas W. Corbett, Jr., Attorney General, Thomas F. Halloran, Senior Deputy Attorney General, and John G. Knorr, III, Chief Deputy Attorney General, Chief, Litigation Section, state that they have a full, complete, and just defense to any and all of plaintiff's complaints, and insofar as it is necessary to set forth those defenses in an answer they are as follows:

FIRST DEFENSE

Defendants respond to plaintiff's factual allegations as follows:

1. Paragraph 1 of plaintiff's complaint is a statement of jurisdiction to which no response is required. To the extent a response is deemed necessary, defendants admit that this Court has jurisdiction over the federal claims.

2. The averments contained in paragraph 2 of plaintiff's complaint are admitted.

3. The averments contained in paragraph 3 of plaintiff's complaint are admitted.

4. The averments contained in paragraph 4 of plaintiff's complaint are admitted.

5. The averments contained in paragraph 5 of plaintiff's complaint are admitted.

6. The averments contained in paragraph 6 of plaintiff's complaint are admitted.

7. The averments contained in paragraph 7 of plaintiff's complaint are not directed to an answering defendant, and therefore, no response is necessary.

8. The averments contained in paragraph 8 of plaintiff's complaint are admitted.

9. The averments contained in paragraph 9 of plaintiff's complaint are admitted in part and denied in part. It is denied that defendants violated plaintiff's civil rights. Strict proof thereof is demanded at the time of trial. It is

admitted that defendants acted under color of state law within the meaning of the Civil Rights Act of 1871.

10. The averments contained in paragraph 10 of plaintiff's complaint are admitted.

11. The averments contained in paragraph 11 of plaintiff's complaint are denied. Strict proof thereof is demanded at the time of trial.

12. The averments contained in paragraph 12 of plaintiff's complaint are not directed to an answering defendant, and therefore, no response is required.

13. The averments contained in paragraph 13 of plaintiff's complaint are not directed to an answering defendant, and therefore, no response is required.

14. The averments contained in paragraph 14 of plaintiff's complaint concerning answering defendant Raun are conclusions of law to which no response is required. To the extent a response is deemed necessary, paragraph 14 is denied. Strict proof thereof is demanded at the time of trial.

15. The averments contained in paragraph 15 of plaintiff's complaint are not directed to an answering defendant, and therefore, no response is required.

16. The averments contained in paragraph 16 of plaintiff's complaint are denied. Strict proof thereof is demanded at the time of trial.

17. The averments contained in paragraph 17 of plaintiff's complaint are denied. Strict proof thereof is demanded at the time of trial.

18. The averments contained in paragraph 18 of plaintiff's complaint are denied. Strict proof thereof is demanded at the time of trial.

19. The averments contained in paragraph 19 of plaintiff's complaint are denied. Strict proof thereof is demanded at the time of trial.

20. The averments contained in paragraph 20 of plaintiff's complaint are denied. On the contrary, Defendant Utz met with the plaintiff on July 21, 1993, but she did not make any allegations of abuse. Strict proof thereof is demanded at the time of trial.

21. The averments contained in paragraph 21 of plaintiff's complaint are denied. Strict proof thereof is demanded at the time of trial.

22. The averments contained in paragraph 22 of plaintiff's complaint are denied. Strict proof thereof is demanded at the time of trial.

23. The averments contained in paragraph 24 of plaintiff's complaint are denied as stated. Strict proof thereof is demanded at the time of trial. On the contrary, on or about November 22, 1994, the plaintiff was strip searched in a reasonable manner in accordance with Administrative Directive 203 on her return from a court date.

24. The averments contained in paragraph 24 of plaintiff's complaint are denied as stated. Strict proof thereof is demanded at the time of trial. On the contrary, the plaintiff was subjected to a medical examination by medical staff. While she remained clothed in undergarments, the plaintiff was photographed and videotaped during this medical examination in order to document her physical condition.

25. The averments contained in paragraph 25 of plaintiff's complaint are denied as stated. Strict proof thereof is demanded at the time of trial. On the contrary, Superintendent Wolff authorized the videotaping and photographing of the plaintiff in her undergarments.

26. The averments contained in paragraph 26 of plaintiff's complaint are conclusions of law to which no response is required. To the extent a response is deemed necessary, paragraph 26 is denied. Strict proof thereof is demanded at the time of trial.

27. The averments contained in paragraph 27 of plaintiff's complaint are conclusions of law to which no response is required. To the extent a response is deemed necessary, paragraph 27 is denied. Strict proof thereof is demanded at the time of trial.

28. The averments contained in paragraph 28 of plaintiff's complaint are conclusions of law to which no response is required. To the extent a response is deemed necessary, paragraph 28 is denied. Strict proof thereof is demanded at the time of trial.

29. The averments contained in paragraph 29 of plaintiff's complaint are conclusions of law to which no response is required. To the extent a response is deemed necessary, paragraph 29 is denied. Strict proof thereof is demanded at the time of trial.

30. The averments contained in paragraph 30 of plaintiff's complaint are conclusions of law to which no response is required. To the extent a response is deemed necessary, paragraph 30 is denied. Strict proof thereof is demanded at the time of trial.

31. The averments contained in paragraph 31 of plaintiff's complaint are conclusions of law to which no response is required. To the extent a response is deemed necessary, paragraph 31 is denied. Strict proof thereof is demanded at the time of trial.

32. Relief. It is denied that plaintiff is entitled to any relief whatsoever. Strict proof thereof is demanded at the time of trial.

SECOND DEFENSE

33. To the extent plaintiff seeks relief from the defendants in their official capacities for claims in the nature of a constitutional violation, it is barred by the Eleventh Amendment.

THIRD DEFENSE

34. At no time have the defendants, either individually or in concert, deprived or sought to deprive the plaintiff of any right, privilege, or immunity secured to them by the Constitution or laws of the United States.

FOURTH DEFENSE

35. Defendants have at all times relevant to the subject matter of plaintiff's complaint acted in good faith with a reasonable belief in the lawfulness of their actions.

FIFTH DEFENSE

36. Defendants are entitled to qualified immunity in that no clearly established constitutional right was violated.

SIXTH DEFENSE

37. The defendants were at all times material acting pursuant to duty required by statute or statutorily authorized regulations, and therefore, said acts were within the discretion granted to them by state or statutorily authorized regulations.

SEVENTH DEFENSE

38. The complaint fails to state a claim upon which relief can be granted.

EIGHTH DEFENSE

39. Any injuries received by plaintiff as are alleged in his complaint were the result of the actions of the plaintiff and the defendants cannot be held liable therefore.

NINTH DEFENSE

40. The claims raised by plaintiff are barred by the applicable statute of limitations.

WHEREFORE, defendants request judgment in their favor and against plaintiff, with costs of this suit and fees charged against plaintiff.

Respectfully submitted,

THOMAS W. CORBETT, JR.
Attorney General

By: [signature]
Thomas F. Halloran
Senior Deputy Attorney General
PA ID. 10413

John G. Knorr, III
Chief Deputy Attorney General
Chief, Litigation Section

OFFICE OF ATTORNEY GENERAL
6th Floor, Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219

Date: December 10, 1996

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LISA LAMBERT, Plaintiff	)	
v.	)	Civil Action No. 96-247 Erie
SUPERINTENDENT WILLIAM WOLFE, et al., Defendants.	)	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Answer of Defendants Wolfe, Utz, Bartlett, Raun and Kormanic to Complaint was served upon the following via first-class mail:

Jere Krakoff, Esquire
1705 Allegheny Building
429 Forbes Avenue
Pittsburgh, PA 15219

Thomas F. Halloran
Thomas F. Halloran
Senior Deputy Attorney General

OFFICE OF ATTORNEY GENERAL
6th Floor, Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219

Date: December 10, 1996

U.S. DISTRICT COURT

FOR THE WESTERN DISTRICT OF PENNSYLVANIA

* * * * * * * * *

LISA LAMBERT, *

Plaintiff *

* NO. C.A. 96-247 ERIE

vs *

*

SUPERINTENDENT *

WILLIAM WOLFE, ET AL., *

Defendants *

*

* * * * * * * * * *

DEPOSITION OF

WILLIAM WOLFE

JUNE 2, 1997

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DEPOSITION

OF

WILLIAM WOLFE, taken on behalf of the Plaintiff herein, pursuant to the Rules of Civil Procedure, taken before me, the undersigned, Jacqueline Lynn Reichert, a Court Reporter and Commissioner of Deeds in and for the Commonwealth of Pennsylvania, at State Correction Institute, Old Lyons College, Cambridge Springs, Pennsylvania, on Monday, June 2, 1997 at 9:38 A.M.

A P P E A R A N C E S

JERE KRAKOFF, ESQUIRE
1705 Allegheny Building
Pittsburgh, PA 15219
COUNSEL FOR PLAINTIFF

THOMAS F. HALLORAN, SENIOR DEPUTY
ATTORNEY GENERAL
Litigation Section
6th Floor, Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219
COUNSEL FOR DEFENDANTS

ALSO IN ATTENDANCE: Victoria L. Kormanic,
Deputy Superintendent for
Facilities Management
Captain Keith Bartlett
Corrections Officer,
John Raun

I N D E X

WITNESS: WILLIAM WOLFE

EXAMINATION

By Attorney Krakoff 7 - 232

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PROCEEDINGS

WILLIAM WOLFE, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

EXAMINATION

BY ATTORNEY KRAKOFF:

Q. Superintendent Wolfe, I'm Jere Krakoff. I represent Lisa Lambert, Plaintiff in this lawsuit. This is a civil rights action that has been filed in the U.S. District Court, the Western District of Pennsylvania. It makes allegations that Ms. Lambert has been subjected to sexual abuses and that her civil rights have been violated. You're here today for a deposition and I assume as a prison official, that you're fairly well acquainted with what a deposition is, knowing the proclivities of inmates.

A. Yes, sir.

Q. And I want to make one clarification. Your name was inadvertently misspelled in the Complaint, which I have since discovered. My understanding is that your name is spelled W-O-L-F-E?

A. That's correct.

Q. And I will at some point amend that. I believe the other Superintendent's name was also misspelled in the first letter, was a D, I think, and it should have been a K. In any event, my purpose here today is to engage in pre-trial discovery. I'm going to be asking you about a number of different things, not only associated with Lisa Lambert, specifically, but with certain policies and procedures, investigations involving various officers associated with other inmates.

And at the outset I'm going to try to determine how the process of answering Plaintiff's Request for Production of Documents functioned, and to see whether possibly there is some other documents out there that have been overlooked. I don't mean purposely, I mean inadvertently overlooked, so that we can obtain those documents, if they exist.

If you don't understand a question that I put to you, I don't want you to hesitate asking me to rephrase it or to ask it again, to repeat it. My purpose here, today, is to attempt to ask clear questions, to elicit clear

responses. I'm not here to try to create ambiguities. I think that to the extent that we can have clarity here will be to everybody's advantage. Now, what is you full name, Superintendent Wolfe?

A. William J. Wolfe, Jr.

ATTORNEY HALLORAN:

Mr. Krakoff, sorry. For the purposes of this deposition and the others that we're taken today and tomorrow, it is also my understanding that none of the inquiries and none of the requests have --- involve information related to the Vasquez (phonetic) litigation, which is a separate lawsuit which is under a separate Order.

ATTORNEY KRAKOFF:

Yes, it's my understanding that none of the investigative materials or other materials associated with Vasquez would have been turned over because of the fact that ---. I don't think we're even operating under any Order, because I haven't seen a

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signed copy of it. But at least, as Mr. Halloran and I have informally understood the case to be, I'm not going to be insisting upon responses in Vasquez, if I'm pronouncing your name correctly, so that I understand that Vasquez materials will not be present here today. Is there something else, Mr. Halloran?

ATTORNEY HALLORAN:
No, that's all.

BY ATTORNEY KRAKOFF:
Q. How old are you, Superintendent Wolfe?
A. Forty-seven (47) years old.
Q. And when did you become Superintendent at Cambridge Springs?
A. January the 1st, let me see here, January the 1st, 1992.
Q. And when did Cambridge Springs open for inmates?
A. I'm sorry, that was '91.
Q. Okay. I take it you were here at the inception when the four inmates ---
A. That's correct.
Q. --- actually occupied the facility.

A. That's correct.
Q. And when did inmates begin to be placed in Cambridge Springs?
A. The first inmates arrived March 30th, 1992.
Q. I take it that there would have been some sort of a staging process where some inmates were brought it, then there would be a second wave, and perhaps a third wave. But they all didn't come here at the same time?
A. That's correct.
Q. And do you recall approximately how many came in the first wave? Just an approximation.
A. My recollection, approximately 20.
Q. And why don't you describe then, the progressive waves, if you can, I'm trying to get a sense of how the population built up and when it became substantially populated by prisoners, at what point. So when was the next wave?
A. We received transfers routinely on a weekly basis, thereafter.
Q. And by September, do you have sense of how many inmates there would have been in September of '92?

A. Not exactly, no.
Q. What did the population increase by the end of 1992, was it fully populated?
A. Oh, no.
Q. What would it have been at the end of 1992, approximately?
A. A rough estimate would be approximately, I say 250 --- 200, 250.
Q. And then at what point did the population more or less reach the zenith? When was it --- is this place fully populated as we speak?
A. We're not at full capacity. We've only been at full capacity on one or two occasions during the past year.
Q. How many inmates are there --- what is the average daily population in 1997?
A. I would say about 580.
Q. By the beginning of --- actually, perhaps the best way for me to see the population would be to just get --- there would have been daily counts ---
A. Well, that's correct.
Q. --- of the population all along; correct?

A. Oh, absolutely.
Q. So, perhaps that would be the best way rather than trying to go from your recollection. I can request that formally, if you want me to. Otherwise, I can just have something, say every three months, from March 30, 1992, through 1994, would be fine. Would that be possible?

ATTORNEY HALLORAN:
I believe so.

A. Yes.

ATTORNEY HALLORAN:
So it'd be one day, once every three months?

ATTORNEY KRAKOFF:
Yeah, say from March, and then count three months from March 30th, June 30th, whatever. Just so I can get a sense of how the population built up.

MS. KORMANIC:
March, '92, through what?

A. The end of '94.

ATTORNEY KRAKOFF:
The end of 1994.

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BY ATTORNEY KRAKOFF:
Q. Now, before you became Superintendent

at Cambridge Springs, had you been employed in the Pennsylvania system?
A. Yes.
Q. What was your position immediately before you became Superintendent?
A. I was the Superintendent of the State Correctional Institution in Waynesburg.
Q. Now, had Waynesburg had women at that time? I know at one time it had.
A. Yes, sir.
Q. Was it essentially an all womens' prison?
A. Yes, it was.
Q. And when were you in Waynesburg, from when until when?
A. From December 1st of '89 until I was transferred here. About 13 months and 4 days.
Q. What was the general population at Waynesburg, the inmate population, what was that, approximately how many?
A. Composition or numbers?
Q. Numbers.
A. Numbers, approximately 300.
Q. And some of those, as I understand it, there were some men who worked, who actually

lived on the prison grounds, who were trustees or inmate workers; is that correct?
A. No, that's not correct.
Q. So then the numbers would have been the number of women?
A. Correct. It was exclusively female.
Q. All right. And before Waynesburg, had you worked in the Pennsylvania system?
A. Eighteen and a half years.
Q. What was that progression, how did you start?
A. I started in 1971, as a corrections counselor.
Q. And then you proceeded from where to where?
A. Well, that was at the State Correctional Institution at Greensburg. I was promoted through the ranks as counselor supervisor and deputy superintendent at that institution.
Q. And then from Greensburg to Waynesburg?
A. Correct.
Q. Have you received any training, specifically focused on the operation of a womens' prison, either when you assumed the

position at Waynesburg, or when you assumed the position in Cambridge Springs? Have you received any training that was specifically focused on the administration of a womens' prison?
A. I had discussions with the Commissioner of Corrections at that time.
Q. To what time?
A. Prior to, you know, going to Waynesburg and immediately prior to coming up here, we talked about ---.
Q. Who was the Commissioner at the time of your discussion with the Commissioner at Waynesburg?
A. Owens.(phonetic) We had discussions about the differences between the two populations.
Q. All right. And was this one discussion or you spent a period of time, over some period of time, having discussions with him?
A. There were discussions on a fair --- you know, at different times. It wasn't ---
Q. All at one time?
A. Yeah, at one time. I have continuous contact with my superiors in Harrisburg.

Q. Did any of your discussions focus on issues involving the sexual exploitation of women prisoners by staff? Did any of your discussions address that issue, with others?
A. Not specifically.
Q. Not specifically?
A. Correct.
Q. What about generally?
A. In general, it's very plain. Every administration that I have worked with certainly has zero tolerance for any abuse of any prisoner.
Q. Right. But my question is, and I used the term, exploitation. Perhaps I shouldn't use that. Was the subject of relationships or involvement in a social or sexual nature between an inmate and a staff member ever addressed in your discussions with Commissioner Owens?
A. Not specifically, no.
Q. So, when you say generally, there was a general discussion that there was zero tolerance, that there would be zero tolerance toward the exploitation or the abuse of inmates by staff members, period; is that correct?
A. That's correct. I wouldn't stand for

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anything less.
Q. Now, you then had discussions, prior to assuming your position at Cambridge Springs, with the Commissioner; is that correct?
A. That's correct, as well as, the Deputy Commissioner, my immediate boss.
Q. Fulcomer? (phonetic)
A. Yes, sir.
Q. And who was the --- was Lehman (phonetic) the Commissioner at the time?
A. That's correct.
Q. And did any of those discussions focus on the issue of the abuse or exploitation or harassment by officers of female prisoners?
A. Not specifically.
Q. And by officers, I mean male officers, of women prisoners.
A. Not specifically, no.
Q. Once again, by not specifically, you mean there was some general discussion about some of that?
A. Yes, sir.
Q. And what was that general discussion about?
A. Again, ---

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Q. The nature of it.
A. --- there is no tolerance for the abuse of any inmate within our system with whom we have responsibility for the care, custody and control.
Q. Does the Department of Corrections and you, specifically, view a sexual relationship between an inmate here at Cambridge Springs, and an officer or other prisoner personnel, per se, exploitative because of the relationship between the two? That is, you have an inmate on one hand and you have a custodian on the other. Would such a relationship, even if it appears to be quote, consensual, be viewed as exploitative by the department and by you, specifically.
A. Yes, sir, I would. It's reprehensible.
Q. Now, Cambridge Springs houses only women prisoners; is that correct?
A. Correct.
Q. By 1994, there would have been several hundred prisoners housed at Cambridge Springs?
A. Yes.
Q. Now, in 1993 and in 1994, there were both women and men who were employed as corrections officers; is that correct?

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A. That's correct.
Q. And during that time period, there were both women and men employed as supervisors in the maintenance area; is that correct?
A. That's correct.
Q. Is there a general term that is used at Cambridge Springs to distinguish corrections personnel from those who are involved in, you know, whether it's prison industries or maintenance, or whatever. Is there a term that is used to designate the non-correction personnel, non-clerical personnel, as well?
A. Oh, everybody in the Department of Corrections has a job classification.
Q. If I refer to them as maintenance personnel, is that a correct — would that be a correct term?
A. That would be --- well, corrections officer is a very specific class and there is corrections officers and non-correctional officers.
Q. There is another group called maintenance personnel?
A. That's correct, and to answer your question, that would be satisfactory, yes. We

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would know what you're speaking about.
Q. And there were both men and women who were employed by the Department of Corrections at Cambridge Springs as maintenance personnel?
A. Yes, sir.
Q. How many officers were employed at the prison in 1993?
A. I really don't know.
Q. Would there be a document that would reflect that?
A. Yes, there would.
Q. And what would that document be? A roster of some sort?
A. Well, there are records of staff complements in our personnel office, as well as, rosters.

ATTORNEY HALLORAN:
Would you like the corrections officers complement for 1993 and for 1994?

ATTORNEY KRAKOFF:
And 1994, right.

ATTORNEY HALLORAN:
And also a breakdown of male and female?

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ATTORNEY KRAKOFF:
That's what I was going to ask for. Thank you. That was to be my next question, the breakdown.
BY ATTORNEY KRAKOFF:
Q. Do you have a sense, and this isn't something where I'm going to say you weren't being truthful. I'm just asking you — I realize it's just an estimate. Do you have a sense of how the men versus women broke down in 1993, whether, you know, one was — there was an overwhelming majority of one, very few of the other, or whether they were essentially equal, in terms of numbers?
A. At that particular time, I don't have a recollection.
Q. What about 1994? Do you have a recollection of what the gender composition of breakdown of the CO staff was?
A. Not exactly. All I could do is speculate.
Q. Okay. Were there more men than women employed as corrections officers? Is it your sense that there were more men than women in 1993, or you don't know?

A. I honestly don't know, other than to speculate, but I'm not sure it serves any purpose for me to sit here and speculate.
Q. And the same is true for 1994; is that correct?
A. Yes, sir.
Q. Would it be fair to say that during 1993, as well as, during 1994, there was a significant number of men who were employed as correctional officers at the prison?
A. That's true.
Q. And would it also be accurate to say that there were a significant number of men who were employed in the maintenance area, as well?
A. That's true.
ATTORNEY HALLORAN:
I'll object to the form of the question to the extent of any ---?
ATTORNEY KRAKOFF:
Any significance?
ATTORNEY HALLORAN:
Significant numbers.
BY ATTORNEY KRAKOFF:
Q. More than a handful?
A. Yes, sir.

Q. There were several dozen men correction officers in 1993 and 1994?
A. I really — I really don't know, specifically.
Q. How many officers do you have now?
A. Approximately 150.
Q. And of the 150, approximately, how many are men and how many are women?
A. I've never looked at that.
Q. Do you know whether there are more men than women officers, or is it the other way, or don't you know?
A. I don't know.
Q. Now, is it accurate to say that male officers, throughout the time that Cambridge Springs has been open, have been employed in positions that routinely brought them into direct supervisory contact with women prisoners; is that accurate?
A. Could you state that again, the first part of it?
Q. Since Cambridge Springs was opened, and by that I mean since women have been or occupying Cambridge Springs, isn't it true that male officers have been employed in positions

that routinely brought them into direct supervisory contact with women prisoners, and by supervisory I mean, their work. They were supervising women, they were monitoring their activities, et cetera, what officers do. Would it be accurate to say that men officers functioned in direct supervisory contact with women prisoners?
A. Yes, that's the job of a corrections officer.
Q. And were there any positions, were there any assignments that a male correctional officer could not assume at Cambridge Springs because of his gender?
A. Yes, there were.
Q. And what were those assignments?
A. Single post housing units.
Q. What is a single post housing unit?
A. That's a post, obviously, in an inmate housing unit, where the inmates live, where the staff complement there for corrections officers would be one officer. It's department policy.
Q. So, if there's one officer assigned to a housing unit post, that officer would have to be a woman?

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A. Has to be the same gender.
Q. And when I said a woman, I'm focusing on Cambridge Springs.
A. Correct.
Q. It would have to be a woman?
A. The answer would be the same, same terms.
Q. And are some of housing posts posts where there are two officers assigned; some of the housing posts at Cambridge Springs or are they all one officer?
A. At that time, I believe they were all one officer. They were single posts.
Q. Are there now two posts officer positions?
A. Yes, there are.
Q. And when did that come about?
A. I don't remember.
Q. I'm perfectly comfortable if you wanted to consult with ---
A. I looked at them because they're my advisors.
Q. They might have more direct contact. I realize that you might not know everything.
A. I remember when I was informed of the

decision. I don't remember the exact time of it. It was a couple of years ago.
MS. KORMANIC:
I know the day it happened. I don't remember the ---.
A. Yeah, I can remember when I was informed.
BY ATTORNEY KRAKOFF:
Q. Would there be a document that would reflect that?
A. Oh, we could --- I could obtain that date for you.
Q. Perhaps when we have a lunch break, that would might be a good opportunity to retrieve that. There was some sort of an Order or a directive issued that altered, that created two double post positions?
A. I was instructed what to do. I'm not so sure I have anything in writing.
Q. Now, knowing then, that there's some document that you can look at to determine when that change came about, whether it was 1994, right?
A. I'm almost certain we should be able to establish that date.

Q. And were there any other positions at Cambridge Springs that a male officer was not permitted, as a matter of policy, to assume because of the fact that he was the male?
A. Yes.
Q. And what other positions?
A. Our strip search officer, that's a single post. Our transport officer, again, by department policy, one officer must be of the same gender.
Q. Anything else? There would be more than one officer involved in transporting an inmate?
A. On most occasions, yes.
Q. And by that you mean transporting off grounds?
A. Correct.
Q. Any other activities that a male officer was not allowed to perform at Cambridge Springs because, any other things because of the fact that he was a male as opposed to a female?
A. Our Sally Board (phonetic) officer, because that officer is required to do strip searches of inmates going in and out of our perimeter.

Q. Those would be what, trustee, or any inmate going out of the ---?
A. More commonly, yeah, more commonly known to the public as the term trustee. That's not a term the departments uses, but it's a term that the general public uses.
Q. One who had some sort of an outside clearance, whatever that ---?
A. Right.
Q. S, something or other.
A. Right.
Q. Any other positions that you --- that come to mind?
A. Off the top my head, no, I can't think of any. I believe that's it.
Q. Now, male officers, where they allowed to escort a Cambridge Spring prisoner across the grounds of the institution?
A. Yes.
Q. And that was without the presence of a female officer?
A. Right.
Q. What other kinds of activities where male officers allowed to be alone with, either one or more Cambridge Spring inmates? When they

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escorted an inmate, could it be one to one, or did it have to be more than one inmate?

ATTORNEY HALLORAN:

I'm going to object to the form of the question to the extent it ---

ATTORNEY KRAKOFF:

It sounds like two questions.

ATTORNEY HALLORAN:

Well, it also sounds, what alone means is ---

ATTORNEY KRAKOFF:

Well, by himself.

BY ATTORNEY KRAKOFF:

Q. Let me ask it this way. By alone, as a matter of policy, could a single male officer escort a single Cambridge Springs inmate from one place to another on institutional grounds?

A. Yes.

Q. Were there any places that a male officer was not allowed to be by himself with a single woman prisoner at Cambridge Springs? Other than, I know strip search, they can't be alone with them then, other than the ones that you identified?

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A. I would not even --- unless there was an emergency situation, male officers would not be often during strip searches.

Q. I understand that. I'm excluding the various things that you --- I know that a male officer is not going to be by himself in the Sally Board with an inmate. And that a male officer is not going to be in a housing unit where it's a single post. That's been established. What I'm trying to establish is are there any places there were out of bounds, any places that a single male officer under, either DOC or Cambridge Springs policy, was not allowed to be alone with a single woman inmate at Cambridge Springs?

ATTORNEY HALLORAN:

I'm going to have to --- just let me put on the record. There's a distinction between an officer walking alone across the ground with a female inmate.

ATTORNEY KRAKOFF:

He already said that can occur.

ATTORNEY HALLORAN:

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Right, I agree. And the question you're asking is confusing because ---

A. That's what I'm having problems with.

BY ATTORNEY KRAKOFF:

Q. Let me break it down. There are several buildings on the grounds of Cambridge Springs; correct?

A. Yes, sir.

Q. Some of the buildings are housing units; correct?

A. Correct.

Q. And some of the buildings are recreational facilities, like a gymnasium?

A. Correct.

Q. And there is a hospital facility here; correct? Or an infirmary?

A. Correct.

Q. And there are buildings that house the dining hall; correct?

A. Correct.

Q. And various other places; correct?

A. Correct.

Q. Are there any buildings where a single male officer is not allowed to be with a single

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Cambridge Springs inmate, under the policy of this prison or the DOC?

A. The inmates go from Point A to Point B in general population, unescorted. They go under their own --- during move times.

Q. I'm not limiting this to escorting. Are there any places where you, Superintendent Wolfe, or Deputy Kormanic, or some other administrative official, either here at Cambridge Springs or at the DOC central office when it was said, an officer, a male officer is not allowed to be alone with a female in this building or this part of this building, or that building, that's what I'm trying to determine?

A. Again, I don't understand --- alone.

ATTORNEY HALLORAN:

Why don't you give him your response and explain how you're answering it.

A. A male officer may escort a female across the compound to any non-restricted area of the institution.

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Q. Well, what does that mean?

A. That means, if a part of the institution is closed, we still have a vacant

building here, not to be taking inmates over to that building, there's no purpose to it. And at that time, if part of the institution is open, if the activity is open, yeah, they can.
Q. So basically, if there's a facility that essentially is not open for prison activities, a male officer can't take an inmate there because there's no reason.
A. A male or female, they shouldn't be doing it.
Q. Right. There's no reason for anybody to be going into a restricted facility?
A. That's correct, sir, male or female.
Q. What facilities were restricted during 1993 and 1994?
A. They changed as the institution as activated.
Q. Was Lutter (phonetic) a restricted facility, or parts of Lutter?
A. Parts of Lutter were, yes, sir.
Q. And that would have been the third and fourth floors, at one point?
A. At one point, Lutter was totally unoccupied, it wasn't, you know, this wasn't the first building we occupied.

Q. But basically, any place that a female officer could enter and be with a female inmate, one to one, a male officer could enter and be with a female inmate, one to one; is that correct?
A. That's correct.
Q. Now, what about --- sorry.
A. Although certain human dignity and my standard of privacy ---. For example, if there was a bathroom, male or female can certainly go in the bathrooms. And we have stalls here in our housing that are communal areas.
Q. Right.
A. Certainly if there was a woman in there, the males can go and look in the bathrooms but I wouldn't expect them to open up a stall when the inmate acknowledges that they're using that facility at the moment. That would be inappropriate.
Q. Now, what about the maintenance area? Can you identify for me the various maintenance facilities that exist at Cambridge Springs?
A. What do you mean by maintenance facilities?
Q. Well, there are maintenance workers;

correct?
A. Yes.
Q. And I take it that there are certain places that the maintenance workers work out of, where they're ---.
A. Shops, shops.
Q. Things of that nature.
A. Maintenance shops, okay.
Q. Because I do not have good sense of what those areas consist of, so can you kind of list for me the various shops and any other maintenance areas that exist at Cambridge Springs?
A. The majority of our maintenance shops are located on the first floor of Currie Hall.
Q. Is that C-U- ---?
A. R-R-I-E. Currie.
Q. And what do those shops consist of?
A. Well, there's carpentry, plumbing, electrical, and HAC.
Q. That's what --- air conditioning?
A. Heating and air conditioning.
Q. Is Currie Hall used for anything else?
A. Yes.
Q. Is it a housing area?

A. No.
Q. What else is it used for?
A. It houses our educational programs and vocational programs.
Q. All right.
A. And activities area.
Q. What kinds of activities?
A. Arts and crafts room, there's a music room, and there's an area that we use for aerobics and some weight machines.
Q. And what floor are those on? I don't mean for each one, but generally, are they above the shops?
A. The shops are in the middle. There's a second floor area that houses primarily our school, our education classrooms, and a couple of vocational programs up there.
Q. Was any part of --- was this true, also, in 1994, did Currie exist, more or less, in that fashion?
A. More or less.
Q. Were there any parts of Currie that were off limits to officers and inmates?
ATTORNEY HALLORAN:
I'm going to object to the

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form of question.
ATTORNEY KRAKOFF:
What was the word we used, again?
ATTORNEY HALLORAN:
Off limits is all right. But we need a time frame.
ATTORNEY KRAKOFF:
Oh, okay.
ATTORNEY HALLORAN:
In terms of when they ---.
BY ATTORNEY KRAKOFF:
Q. In 1994, were there any ---
ATTORNEY HALLORAN:
Also in the course of the day.
A. That's what I have problems with, yeah.
BY ATTORNEY KRAKOFF:
Q. During what time of the day was Currie Hall open for shops --- for shop activities?
A. 8 to 4, Monday through Friday. The maintenance shops.
Q. This wasn't off limits then, when it was open?
A. No, sir.
Q. And when were the educational and

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vocational programs?
A. 8 to 4, Monday through Friday.
Q. And arts and crafts, same?
A. No. Arts and crafts are, I don't know the exact schedule, but I believe it was in the evenings during the week.
Q. So when these functions weren't occurring, they'd be off limits to officers and inmates; correct?
A. Certainly, yes.
Q. When I say that, I mean jointly.
A. That's correct, because an officer might go in there and patrol or have need to search a room, but they wouldn't have inmates with them.
Q. Right.
A. Right.
Q. Now, physically, was there any part of Currie Hall that was off limits, any basements, any other parts of Currie Hall that was off limits to an officer and an inmate being there at the same time?
A. Again, it would depend upon whether the room was open and there activity, there was a scheduled activity going on. The building had

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various activities going on at various times.
Q. Even in the basement?
A. Yes, sir. Not all the rooms were where the officers would escort inmates to, for any legitimate purpose that I know of. The boiler room, there's storerooms.
Q. Were there any orders issued that they shouldn't, couldn't be in a storeroom with an inmate?
A. Not specifically, you know.
Q. What about the boiler room first?
A. Yes.
Q. Okay, then I should have storage room.
ATTORNEY HALLORAN:
You asked about storage room first and then the boiler rooms.
BY ATTORNEY KRAKOFF:
Q. The boiler room, was that off limits for an officer and inmate to be there together?
A. There would be no legitimate purpose for them to be there. That's our policy. I didn't name each room in each specific circumstance. We are authorized to operate within the scope of our, you know, job responsibilities, for legitimate purposes.

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There would be no legitimate purpose for somebody to escort somebody to a closed section.
Q. Was there a written policy that articulated that, that you may only be with an inmate if you're there for some legitimate purpose or some legitimate activity?
A. I don't think there's a written policy, per se. It's part of the training.
Q. Where did they receive that training, at Camp Hill?
A. A host of places.
Q. Here?
A. Camp Hill, at our training academy.
Q. Here?
A. Here, at the institution.
Q. And that's part of the training here?
A. Yes, sir.
Q. And who's the training officer who would impart that information?
A. Paul Slighton (phonetic) is our training officer. We also have a training lieutenant.
Q. What is his name?
A. Her name is Vickie Scott (phonetic). Prior to that our training officer was Sue

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Rutherford.
Q. How long has Vickie Scott been the training lieutenant?
A. I don't remember the exact date.
Q. Couple years?
A. Two years, yes, sir. Sue Rutherford was our initial training lieutenant.
Q. This would be a good opportunity --- okay, let's continue along this line. Then I'm going to take you through Request for Production of Documents, which requests written training materials that were used during the period of time since 1992. And I'll represent to you that I didn't see anything in writing from Cambridge Springs or elsewhere that articulated the principle that an officer and an inmate could only be together if there's some activity going on or some legitimate purpose for being there. Or, anything in writing related to places that an officer and an inmate could not be, or places that were off limits, and I'll go through those later with you.
In any event, male officers were employed, or have been employed since 1992 on all three work shifts at Cambridge Springs?

A. That's correct.
Q. Let me list for you some places that would appear to be, or some context, that would appear to be situations where male officers would come into direct contact with Cambridge Springs inmates. And then I would like to ask you whether you agree and if you can think of other contexts. They come into contact with Cambridge Springs inmates in housing units; is that correct?
A. Yes.
Q. And what would a male officer's role be in a housing unit, if any, assuming that it's a single post housing unit? Would they have any reason for being in a housing unit, such as, making rounds or doing other things?
A. Making rounds and inspections. That's just what I was going to say.
Q. And the inspections would consist generally --- I'm sensitive to your security needs. I'm not here to try to elicit from you anything that's going to compromise security, but in a very general way, what do you mean by inspections? What are they --- are these contraband inspections, or inspections to see

whether the place is clean, or what?
A. All the above. Also we had officers in there, we had training sergeants, and training sergeants would go in and provide instruction.
Q. To new officers?
A. To new officers, yes, sir.
Q. And what about on work sites? Would CO's have any job responsibilities or functions in connection with inmates who were engaged in working activities?
A. Yes.
Q. And what would those responsibilities be, monitoring inmates while they work, or ---?
A. Opening supply, cleaning supply closets, and supervising the work, janitorial work, primarily.
Q. Would the maintenance supervisors be the personnel who actually provide the monitoring of inmates on maintenance work sites?
A. That's correct.
Q. Now, you said janitorial. So, if somebody was working for a plumber, for example, it would be the maintenance supervisor who would monitor that inmate rather than a CO?
A. That's correct. It was a maintenance

--- assigned maintenance project.
Q. And what about meals? What about the context of meals. What contact would routinely be expected to occur? I'm talking about supervisory contact between an officer and inmates during meals?
A. The officers are responsible for providing supervision of the inmate dining room and controlling inmate movement to and from the dining hall during inmate meal periods.
Q. Now, the inmate meal workers, they would be supervised by ---
A. Dietaries.
Q. --- civilian dietary personnel?
A. Dietary staff.
Q. And then escorts, CO's would have kind of ongoing escort activities for some purposes? They would escort inmates for some purposes? I understood you to say that inmates pretty much can go unescorted from one place to another on the grounds.
A. That's true. It's very rare that a CO or any other staff member would direct ---- or corrections officer would directly escort them from Point A to Point B. That's why I was

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having trouble with your question. It would be very rare. There would have to be some highly unusual circumstance in which that inmate was required to be under direct officer escort.
Q. Like an RHU inmate, or ---
A. Yes, sir. Like a RHU. That's why I'm talk --- you know, we do not provide direct escort of inmates unless there's some highly specialized reason for it. That's why I was having a lot of difficulty answering your questions relating to that.
Q. I understand that. That's been clarified, thank you. Recreation, in that context, what role, what contact would there routinely be between the officers ---
A. Indirect supervision.
Q. And why don't you describe for me how that occurs.
A. Officers would supervise line and movements. They would be standing there observing, not directly having control of a particular inmate.
Q. So there'd be a group that --- are they exercised in groups, or is their recreation in groups?

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A. Yes.
Q. And when they go to meals, when inmates go to meals, do they go in groups?
A. Yes, sir.
Q. And then the officer would be --- there would be some officer who would kind of just be keeping an eye on them as they moved from the dormitory or wherever they're coming from as a group, to the dining hall; is that correct?
A. Yes, sir.
Q. Now, are there documents that will reflect the duty assignments of officers on a daily basis?
A. Yes, sir. We post orders.
Q. Post orders. Now, when you became the superintendent at Cambridge Springs, you were aware, weren't you, that some risk existed by virtue of having male officers assigned to positions where they would have direct contact with female prisoners? You were aware that there was some risk involved, that there would be some form of untoward sexual contact between a male officer and a female, weren't you?
A. I was aware that all employees were at risk, male and female, sir.

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Q. All employees are at risk?
A. Yes, sir.
Q. What do you mean by that?
A. Well, approximately a third of our cases involve female on female. Female staff with female inmates. This problem is not isolated to one gender. If it were, it would be a simple solution.
Q. And approximately two thirds of your cases have involved male personnel and the women prisoner?
A. Approximately.
Q. So there was a heightened --- were you aware that there was a greater risk when you had male personnel employed at a womens' prison of untoward sexual contact between the personnel and the inmates? Would you concede that there was a greater risk?
A. I view everybody at risk.
Q. You saw no distinction, then, between degree of risk, between when you have female officers and female inmates and male officers and female inmates; is that right? You view that as everybody?
A. Everybody's at risk, sir, that's the

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way I view it.
Q. I understand that everybody's at risk, but so that I understand you correctly, you view this as an equal risk; is that correct?
A. Yes, sir. Potential for risk.
Q. Now, how do you explain the two thirds of the cases involve male personnel and only one third approximately involve female personnel? Is that an aberration?
A. Perhaps.
Q. Now, when you were at Waynesburg, this was also an institution where you had women inmates and I assume you had both male and female CO's and other personnel; is that correct?
A. Yes, sir.
Q. Were there instances during the time that you were at Waynesburg where you determined that an employee had sexually exploited or abused a female inmate?
A. Meaning exploited or abused in terms o ---.
Q. I'll give you the whole definition that was used so that's it clear what we're talking about.

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A. I'd appreciate that.
Q. In our Request for Production of Documents, the phrase, sexual abuse, harassment or exploitation, should be construed broadly and is intended to encompass such activities as touching of breasts, buttocks, legs, and other private parts, kissing, caressing or fondling of inmates, attempts to coerce or encourage inmates to engage in sexual acts, either by words, threats or physical force, and repeated references to sexual issues in the presence of inmates. Let me eliminate the last one, which would be simply, not simply, but would be making reference to sexual issues, and focus you on the first three parts, which is the touching of those private parts, kissing, caressing or fondling an inmate, or attempts to force or encourage an inmate to engage in sexual acts, either by words, threats or physical force. Using that as a definition, did any of those activities, based upon the determination of either the administration at Waynesburg or by the central office, occur at Waynesburg?
A. I had one maintenance person allegedly exposed himself to a female inmate. I'm not

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sure what his motives were, if it occurred. And that person resigned.
Q. Was that the only such activity?
A. To my knowledge, yes sir, while I was superintendent. That's why I had trouble answering your question. Exposing himself did not, you know --- I had some trouble with exploiting, sexually exploiting.
Q. So based upon your experience at Waynesburg, when you came to this prison, you didn't view the risk of sexual harassment, the definition I gave you, and the types of activities, as a serious risk, did you? I'm talking of a serious risk of occurring?

ATTORNEY HALLORAN:

I'm going to object to the form of the question. If you want to ask him a question, he pauses to answer, let him answer before you start with other questions.

A. It's always potential risk.

BY ATTORNEY KRAKOFF:

Q. This roof can fall, that's a potential risk, right?
A. That's correct. Based on my experience

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with the staff at Waynesburg, they conducted themselves overwhelmingly, in a very mature, responsible and professional manner. The risk was accentuated perhaps here some because we hired a lot of new people.
Q. I'm going to get to that later. But when you came here, based upon your experience at Waynesburg, you viewed the risk, based upon your experience at Waynesburg, as a minimal risk, didn't you, that there would sexual exploitation and sexual abuse by members of the staff against the inmates?
A. Not minimal.
Q. How great did you view the risk?
A. One case is too many. I knew, you can certainly expect, even talking with my colleagues nationwide working with males or females, there's going to be sexual behavior in a prison. We do everything we can to prevent that through training and screening our candidates.
Q. How great did you view the risk when you came to Cambridge Springs of that kind of behavior?
A. It's always a risk.

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Q. I'm trying to --- my question is how great did you view the risk?
A. It's always a concern to me.
Q. How great did you view the risk?

ATTORNEY HALLORAN:

If you could quantify.

A. It's probably one of my biggest fears in life.

BY ATTORNEY KRAKOFF:

Q. So you viewed it as a great risk?
A. Yes, sir.
Q. Now, when you spoke with Commissioner Lehman, did he give you any instructions, in terms of how you should attempt to minimize the risk of sexual abuse, exploitation, harassment, at Cambridge Springs?
A. Through enforcing our Code of Conduct, our Code of Ethics.
Q. Was that his advice?
A. It may not have been in those words, those exact words. But that's certainly --- as I said, every boss that I've worked for has stressed the importance, and our employees are drilled into how seriously we take our code of ethics. It covers abuse.

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Q. Did you have any discussions with your counter-part at Muncy, at any time, either when you assumed the position at Cambridge Springs or afterwards, about their experiences at Muncy with respect to the sexual abuse harassment, exploitation issues?

ATTORNEY HALLORAN:
Are you limited it up to 1993, '94, or are you going up to the present time?

ATTORNEY KRAKOFF:
Yeah, to the present time.

A. Well, we have ongoing discussions. It's always a concern.

BY ATTORNEY KRAKOFF:

Q. When did these discussions begin, discussing ---.

A. When I was first start working with female offenders.

Q. In Waynesburg?

A. Yes, sir.

Q. And who did you speak with at Muncy?

A. Superintendent Byrd (phonetic). Mary Byrd.

Q. And what did she tell you about her

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experiences at Muncy?

A. Don't just look at the men, don't just watch the men.

Q. Did she give you any other advice?

A. That was the best piece of advice I got because I, too, thought, like most other people, that I thought that men would be at high risk. And she was the one that informed me that to look at both genders of your staff as being at high risk.

Q. And did she give you any other advice that you can recall?

A. That was probably the greatest piece of advice that she had given me when I first started.

Q. Did she give you any advice with respect to procedures or policies that you can recall?

A. No.

ATTORNEY HALLORAN:
Is that no, you can't recall them? Is that no, you can't recall, or no -.

A. I can't recall and probably not. Our department has very specific procedures if there

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are concerns or reports of abuse.

Q. Is there a specific policy, I'm talking about one document that sets out the department's philosophy, with respect to, and I'll use the term, sexual abuse, so you understand that includes the whole gamete. Is there a specific policy that sets out the department's philosophy, with respect to, sexual abuse by prison employees against inmates?

A. Our most significant one is the code of ethics.

Q. And I received a copy of the current code of ethics. Maybe you have a copy of that with you, if not, I'll let you look at this. The copy that I have appears to have been issued on June 1st, 1995, by Commissioner Horne. Can you point to the parts of the code of ethics that you view as reflecting the policy of the Department of Corrections, with respect to, the sexual abuse of inmates by prison personnel?

A. Well, to maintain a safe and secure environment for offenders and staff.

Q. All right. What page is that on?

A. That's page two, the forward. The authority exercised over inmates will be fair

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and professionally responsible.

Q. Okay.

A. General responsibility of the Department of Corrections of Employees, Section A.

Q. What does that say?

A. Page three. Consistent with the responsibility of all correctional employees of the Commonwealth of Pennsylvania to perform their duties with integrity and impartiality, and to avoid situations whereby bias, prejudice, personal gain, the following code is promulgated.

Q. Uh-huh (yes).

A. It mentions integrity. All employees are expected to fully comply with the Department of Correction's policy prohibiting sexual harassment.

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Q. All right, what ---?

A. A-1, page three, discrimination.

Q. I want you to read that whole section.

A. Responsibility of all corrections employees to act in relation to all citizens of the Commonwealth without regard to age, race, color, ancestry, creed, sex, marital status,

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national origin, non job-related handicap, political beliefs. This necessarily includes the inmates with whom we supervise and fellow employees with whom we work.
Q. **You said something about sexual harassment?**
A. Yes, sir.
Q. **Is that next?**
A. Yeah, all employees are expected to fully comply with the Department of Correction's policy prohibiting sexual harassment.
Q. **Where does that policy appear? Or is that the policy?**
A. Well, there are a number of policies regarding sexual harassment.
Q. **Of inmates?**
A. Well, it says right here. This is a policy here. This is here and it mentions inmates previously.

ATTORNEY HALLORAN:
Let's do this one at a time.
Why don't you finish going through this document and then pursue the other.

BY ATTORNEY KRAKOFF:
Q. **Any other sections?**

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A. Section 4, I'm sorry, Section 6.
Q. **All right. And what page is that?**
A. Page 4, Item B, specific rules and regulations, number one, second paragraph, this involves the intelligent, humane and impartial treatment of inmates. Profanity directed towards --- directed to inmates, or vengeful, brutal or discriminatory treatment of inmates will not be tolerated.
Q. **All right.**
A. Corporal punishment shall not be utilized in any circumstances. Number two would be applicable in the minimal amount of force necessary to defend oneself, or others, to prevent escape, to prevent serious injury or damage to property to quell a disturbance. Excessive force, violence, or intimidation will not be tolerated. Talks about horseplay, but that's not applicable here. There shall be no fraternization or private relationship of staff with inmates or members of their families.
Q. **Anything else? I want you to indicate what paragraph you were reading from there. What page?**
A. I did, this is --- this is the same

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one, Six, B-six, page five. Same one, Item 14, Page Six, Employees will promptly report to their supervisor any information which comes to their attention and indicates violation of law. Rules and/or regulations of the Department of Corrections, by either an employee or an inmate. And will maintain reasonable familiarity with the provisions of such directives. Item number 23, any conduct which brings discredit to their profession, responsibilities of the Department of Corrections, or public service at large shall be subject to immediate discipline.
All employees, including medical staff and counselors, are required to report inmate abuse complaints or incidents of inmate abuse to their immediate supervisor.
Q. **All right. And are those the items that, in your mind, relate to the issue of sexual abuse?**
A. Lastly, under enforcement, any employee who violates the provisions of this code shall be subject to immediate disciplinary action by the reporting authority.
Q. **Now, how is that code promulgated, or how is it distributed? Does an officer receive**

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the code when he's employed?
A. At the very beginning, each Department of Corrections employee receives and signs for the ---
Q. **The code.**
A. --- code of ethics, yes, sir.
Q. **Now, that code is 1995, January of 1995. There's been a code in one form or another, I assume for many years?**
A. Since my career in 1971, sir.
Q. **Okay. Do you have a copy of the code that existed during 1993 and 1994?**
A. I can't say, probably get one. The language is ---
Q. **Is it similar?**
A. Yes, sir.
Q. **Because I'd like a copy of that.**
A. They change it when Commissioners change because the Commissioner's name is on the front.
Q. **Now, have you issued anything, and when I say you, I mean you, or somebody on behalf of yourself, issued an administrative directive, order, memorandum, anything, any other kind of document that speaks to the question of sexual**

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abuse by prison employees against inmates and the philosophy of this administration with respect to such abuse?
A. I can't recall of anything specifically in writing. Other --- you mean me, personally? That was the question, wasn't it?
Q. No, I meant or somebody on your behalf, one of the deputies or somebody else on the administrative chain issuing such a document.
A. No. We operate under our code of conduct.
Q. Now, there are policy statements that are sometimes issued from the central office and then replicated by the superintendent, is that correct, with some modifications?
A. At various times, yes, sir.
Q. But you've not issued any sort of a policy statement with respect to the subject of sexual abuse and have relied on the code of ethics; is that correct?
A. Yes.
Q. To speak to the subject; is that correct?
A. You're talking about written?
Q. Yes.

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A. Again, I would have to look at some of our sexual harassment policies, which I reiterate the department's policy regarding sexual harassment.
Q. Sexual harassment within the staff, or sexual harassment by personnel against inmates, or both?
A. I would have to double check that.
Q. I would like --- because those would come within our requests. I would like a copy of anything that you or somebody on your administrative staff has issued on the subject of sexual abuse. Nothing at this point comes to mind on the subject, other than the code of ethics?
A. Well, something just came to mind.
Q. Well, why don't you tell me what that is.
A. Our training.
Q. Your training ---
A. Which I authorize the training in the institution here. It's done under my authority.
Q. And when did that come about?
A. It started since the inception of the institution.

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Q. The training?
A. The training --- the local training was conducted here, on grounds.
Q. And there's something in writing on the subject of sexual abuse of inmates?
A. On the abuse of inmates, yes, and sexual abuse is a sub-category of abuse. I view them as the same. Physical, mental, sexual, abuse. Inmates are --- there's no abuse of inmates. This is why I'm having trouble coming up with just a specific document that relates to a particular type of abuse.
Q. So I take it --- I take it that you don't see a need for having a written policy or a written training manual that specifically focuses on sexual abuse; is that correct?

ATTORNEY HALLORAN:
I think we're ---

ATTORNEY KRAKOFF:
He's talking about the training record and I ---.

A. I've answered that, I believe.

BY ATTORNEY KRAKOFF:
Q. Well, let me ask the question again.

ATTORNEY HALLORAN:

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Well, let me ask and we can conserve --- we want to review, I'm not so sure that we have checked training materials in response to your Request for Production. So I want to make sure that's done before ---.

BY ATTORNEY KRAKOFF:
Q. I understand that, but I'm suggesting is that as I understand your response, to you abuse, is abuse is abuse, whether it's physical, or sexual, that all abuse of inmates is not tolerated; correct?
A. That's correct, sir.
Q. And all abuse of inmates is wrong; is that correct?
A. That's correct, sir.
Q. And abuse of inmates is generally the same thing, whether it takes the form of physical, or sexual or mental abuse; is that correct?
A. There may be different pathologies, I wouldn't say ---.
Q. There might be different causes, is that what you mean?
A. Yes.

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Q. Do you see a need for having training that is specifically, I'm not asking you now whether you have such training, but do you see a need for having training that is specifically focused on sexual abuse, as opposed to other kinds of abuse?
A. Yes, sir, yes, and we have implemented that.
Q. When did you implement that?
A. September of '94.
Q. And is there some written document or training manual, part of a training manual, that contains the text of this sexual abuse material?
A. We have a video tape, it's taken and shown to each and every person.
Q. Yeah, I would like a copy of that, that would certainly be relevant. And that is shown to each person when they begin their employment here?
A. Yes, sir.
Q. And that began in September of 1994?
A. This particular program did, yes, sir.
Q. And how long is the video, approximately?
A. It's quite lengthy. It a video tape of

the, then, Director of our Internal Affairs, our Special Services Investigation Unit.
Q. What was his name?
A. Vaughn Davis. Came to this institution based upon our concerns, and ---
Q. He spoke?
A. He spoke on several occasions.
Q. But the first time he came ---
A. He talked to a lot of our employees and it was --- he came back again in November of '94.
Q. The first time he came was when?
A. September of '94.
Q. And was that when you taped the presentation?
A. He spoke to all of our employees. We had all of our staff, it was mandatory for them to participate. He came back in November. We then videotaped it, he was out here, again, we videotaped it in March of '95. We showed that tape for quite some time and it was inadvertently erased. Someone forgot to take the little thing off the cassette. He came back and retaped it.
Q. When did you retape it?

A. October of '95. But we still continued, between March of '95 and October of '95, that tape was shown to our --- after all staff received that training, all new people came in and viewed that tape. And that tape was shown for some time without being inadvertently erased. When we found out it was erased, Vaughn came out very quickly and redid it for us.
Q. More or less this same presentation?
A. Yes, sir.
Q. And why don't you describe when the request or invitation from Mr. Davis came about. I know you said that he came to the prison in September of 1994?
A. Yes, sir.
Q. And that was because there had been some concerns --- when and why did you express those concerns to Mr. Davis?
A. Because of the incidents of staff fraternization with inmates and becoming sexually involved with them.
Q. And when did these concerns emerge in your mind, that were sufficiently serious, I take it, for you to contact Mr. Davis?
A. Well, the question sounds as if I was

not concerned previously. I was always concerned from the very first case, and certainly part of our strategy, too, as a department, was to take and to investigate. Based on the results of the investigation take very swift and decisive disciplinary action and prosecute where we believed that there was sufficient evidence to file criminal charges with the District Attorney's office.
Q. Well, when was it that you determined to contact Mr. Davis and to ask Mr. Davis to come to your prison to speak? We know he came in September of 1994.
A. I really don't know because we have been in routine dialogue with his office. I don't --- it was predicated on our concerns that there had been a few of these cases. We took very decisive action, disciplinary action, and quite frankly, you know, once you start arresting people and sending them to jail and they're fired or terminated, it's still bewildering to me how anybody could engage in that type of behavior.
Q. You mean after it becomes known?
A. After what, you know, well, from the

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BY ATTORNEY KRAKOFF:

Q. Do you recall allegations of alleged sexual involvement, and I'm defining that term broadly as I did with sexual abuse, between an officer by the name of Free, F-R-E-E, and an inmate by the name of Jafka, J-A-F-K-A?

A. No, I don't recall that.

Q. Do you recall any allegations of any sort of sexual abuse involving a maintenance worker by the name of Young, I think his first initial --- his first name begins with a W?

A. Wayne.

Q. Wayne, and Ms. Jafka, do you recall hearing any allegations of sexual improprieties involving Young and Ms. Jafka?

A. No, sir. No, sir, I didn't.

Q. What about another employee by the name of M. Stewart, S-T-E-W-A-R-T, and an inmate by the name of Dibello, D-I-B-E-L-L-O, do you recall --- do you know who Mr. Stewart is?

A. I don't know who you're referring to, no sir.

Q. It's M. Stewart, do you have any ---? We can come back to that. Do you recall an inmate by the name of Dibello?

A. Yes.

Q. Do you recall any allegations of any officers or any maintenance personnel having some sort of an alleged transaction of a sexual nature with Ms. Dibello?

A. I can't recall.

Q. And I take it you don't recall any allegations that, I believe it was Lieutenant Beck and Ms. Dibello, and I'm saying, using the term, allegations, were involved in some sort of sexual abuse situation?

A. I don't recall that, either, sir.

Q. Was it Lieutenant Beck, is that --- is there an officer with that name?

A. Yes, sir.

Q. What about allegations of a sexual liaison between, and I don't want to use, I suppose the term, liaison, but some sort of a sexual encounter between an officer by the name of Schmidt, S-C-H-M-I-D-T, and Lisa Lambert, do you recall any allegations of that sort coming to your attention?

A. I remember that case, and it's very vague. I do not remember details. I vaguely recall we did look into an allegation concerning

Schmidt, I don't recall who, if it was Lambert or if it was somebody else.

Q. And when the prison looks in to such allegations, is it customary for some sort of a report to be generated, an incident report, an extraordinary incident report, notes of interviews, memorandum or any other document generated whenever allegations of sexual abuse are made?

A. Any investigation, there's a record of that.

Q. In writing?

A. Any one, which would include the sub-topic of sexual abuse.

Q. Now, after it came to your attention that there was reason to believe that Jennifer Langford, the officer, had moved in with a parolee, and then Officer Langford resigned, do you recall whether the administration made any announcement, any pronouncement, in connection with an officer not being allowed to live with a parolee?

A. That's in our code of ethics, yeah.

Q. Did you take any steps after that to announce, through a memorandum or any other sort

of written communication, this is inappropriate, and will not be tolerated, or words to that effect?

A. Those specific words, no, I don't recall.

Q. I'm not asking for the specific words. What I'm saying is, here you gathered --- there was information gathered that Langford had moved in with somebody who had been paroled from Cambridge Spring. What did you do to announce to your staff, this won't be tolerated and if you do this, it's wrong, and if you do this, disciplinary action will be taken. Did you, or anybody on your behalf, take any steps?

A. I don't recall.

Q. You don't recall one way or the other, or you don't ---?

A. That's correct, I don't --- that case was a number of years ago. I honestly don't recall. In fact, I'm not sure how far the investigation --- I don't recall the investigation to determine it, in fact, she was even with him. I don't recall the specifics of that.

Q. But I think you said earlier that there

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it, so there was no need to distribute anything.
Q. Was Mr. Davis' presentation limited to the subject of sexual improprieties, harassment, sexual harassment, fraternization between officers and inmates, or was it broader than that?
A. Both, sir. It covered the code of conduct, with an emphasis on sexual misconduct.
Q. Because that's primarily why you had him come up?
A. Yes, sir, yes, sir, correct.
Q. Who was guarding the place when he gave the lecture ---?
A. He gave numerous lectures that covered different shifts. He came in at different times during the day. That's the only way to accomplish that.
Q. What a peculiar thing to think about, though, I was wondering. Now, was it this --- it was the next presentation in October that, I'm sorry. When was the first videotaping, was it the September presentation or was it one of the subsequent ones --- the original videotaping?
A. I believe that it was in March of '95,

is when we did the --- to cover the new hires, and it's certainly impractical for Mr. Davis to come up here with each new hire we have.
Q. And you think that --- not you think, you testified I think, that this tape was erased and then there was a retaping in October of 1995 that, whose substance was basically the same as the tape of March of '94?
A. That's correct.
Q. And there is a tape of the October, 1995 presentation in existence which I can receive a copy of?
A. Yes, sir, there is. There certainly better be because we show it to each new employee.
Q. And that's another tape that I would like to have.
ATTORNEY HALLORAN:
There's only one tape, that's the only tape. When you had the November 22nd, 1994, it wasn't taped.
ATTORNEY KRAKOFF:
Right, it wasn't taped. I think it wasn't until --- it was March of 1995 that there was a first taping.

That tape no longer exists. We should have a tape from October of '95.
ATTORNEY HALLORAN:
Okay.
BY ATTORNEY KRAKOFF:
Q. Now, I asked you at the threshold of the deposition, how, you know, to quantify your view of the extent of the risk of, and I think I've limited it to the abuse by male officers of female inmates; is that correct, do you recall that?
A. Yes, I just ---.
Q. And I believe your testimony was that, you know, there's --- that the extent of the risk is, you know, it's universal. It's the same for --- whether you're talking about a man officer or a woman officer?
A. That's correct, sir.
Q. And the question I put to you now is, has your view of the extent of the risk changed at all since you became superintendent, based upon, first, what occurred prior to September of 1994, and then based upon events that I'm going to review --- based upon anything that occurred, subsequent to September, 1994. Let me ask you

the first question. Did your perception of the view of the risk of officer, or inmate sexual abuse, change at all after you became superintendent at Cambridge Springs?
ATTORNEY HALLORAN:
I just want to object to the form of the question because I think it's confusion over whether or not his perception related to the training he gives, as opposed to the perception related to these set of events as they occur. I think there's a difference.
ATTORNEY KRAKOFF:
Yeah, whatever the, whatever the rea --- I understand your distinction.
ATTORNEY HALLORAN:
All right. I just want to make sure the question is clear.
ATTORNEY KRAKOFF:
Oh, you mean something that he might have heard from Mr. Davis, or something of that nature.
ATTORNEY HALLORAN:
No. What I'm saying is that

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---.
ATTORNEY KRAKOFF:
Why don't I just ask him whether his perception has changed at all and why. And that way he can explain. Would that be a fair ---?
ATTORNEY HALLORAN:
His perception of what the actual risks are as opposed to how they deliver training may not be the same.
BY ATTORNEY KRAKOFF:
Q. Right. I'm limiting it to your perception of the risk, from the day you became superintendent here at Cambridge Springs, has your view of the perception of the risk of sexual abuse on the part of prison personnel against inmates, changed at all, and if so, why?
A. As I testified earlier, it was always a major concern, any type of abuse. The number that we had during that time caused me greater concern, yeah, I was very disappointed in the staff.
Q. By that time, you're talking about the period preceding Mr. Davis' lecturing here in September of 1994? Is that the time period that

you're talking about?
A. Yeah, that's correct. I certainly did not open this institution expecting that outcome. Certainly did not.
Q. So is it fair to say that the number of incidents of staff on inmate sexual abuse exceeded what you had expected when you became the superintendent here?
A. Oh, absolutely, absolutely.
Q. And did your view change after, between September of 1994 and anytime later ---
A. Yes.
Q. --- with respect to the risk of staff on inmate sexual abuse?
A. Yes, sir, and that's we responded with the training, additional training.
Q. So even --- your concerns increased even after September of 1994? Is that the case,
A. Every time we would have a case, it causes me to review what we're doing and try to reduce those episodes to zero. I'm always reviewing what I'm doing.
Q. You've testified that you hadn't expected the amount of sexual abuse that occurred here in Cambridge Springs, prior to

September of 1994; is that correct?
A. Yes, sir.
Q. And there have been, based upon documents that I have received, specifically, there's one involving a CO Hammers (phonetic), one involving an Officer Merry, there are one or two others that I'm not able to recall now. There were incidents of abuse that occurred even after Mr. Davis came in September of 1994; is that correct?
A. I believe so. I don't have those exact --- again, the time line is why I'm having trouble with your questions.
Q. My question to you is very simple. Why do you think the incidents of abuse has been at the level which it has been at Cambridge Springs, sexual abuse?
ATTORNEY HALLORAN:
Let me object to the form of the question. To the extent you're using the term as such, rather than allegations.
A. Run that again then, changing ---.
BY ATTORNEY KRAKOFF:
Q. Do you know how many incidents of ---?

ATTORNEY HALLORAN:
Allegation?
BY ATTORNEY KRAKOFF:
Q. No. Do you know how many incidents of confirmed sexual abuse by personnel against inmates have occurred at Cambridge Springs since it opened?
A. To today?
Q. Yes.
A. Approximately ten.
Q. Now, I take it that when you said approximately ten, I gathered from your pausing that you were --- you were thinking or recollecting incidents before you answered; is that correct, so that you could give the approximate ten answer?
A. That's correct, oh, yeah.
Q. What I'd like you to do is --- are you including the Langford investigation?
A. Yes, sir.
Q. Langford is one. What is the second, Zimmerman?
A. Zimmerman.
Q. What is the third.
A. Martin Miller.

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Q. Fourth?
A. You helped refresh my memory.
Q. Merry?
A. Merry. Lisa Stallard.
Q. S-T-
A. A-L-L-A-R-D.
Q. She's an officer, or ---?
A. Food service.
Q. Food service.
A. Linda Bish, food service.
Q. Now, can we try to see if we can get it first, then we can --- this isn't a test, but I want to see what you can recall and then we can add. Stallard and Bish didn't come to your mind right away; is that correct?
A. Not at this particular moment. The other day when I was trying to recall them and I did.
Q. And Deputy Kormanic helped you with the names Stallard and Bish, didn't she?
A. Yes.
Q. Do you have any other names that come to mind? We're up to six.
A. Mary Hull, H-U-L-L.
Q. And is she ---

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A. A CO.
Q. Are there any others that come to mind?
A. Ron Randolph, maintenance.
Q. Okay. We're up to eight.
A. That's all I can recall at the moment.
Q. And I have no problems if it'll be helpful if the Deputy Superintendent Kormanic has any other --- she can prompt him.

ATTORNEY HALLORAN:
You can ask her.

ATTORNEY KRAKOFF:
Well, the only reason I'm saying that is I might want to ask, I might was to ask Superintendent Wolfe about some of those incidents, and this would avoid my having to recall him to ask him those. However you want to work it, because that's what I intend to do is to review some of these with him.

LUNCH BREAK

BY ATTORNEY KRAKOFF:

Q. We're back from the lunch break. Have you had an opportunity to identify additional transactions? You had listed eight before the lunch break. Have you been able to acquire any additional information about other transactions?

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A. Yes, sir. I was able to go back into my files and get some notes.
Q. Okay. And why don't we begin with nine, and then go from there. Could you identify the name of the officer or other person who was involved?
A. I don't even remember which names I gave you. May I read my list? Or you read your list.
Q. Langford was one, Zimmerman was two.
A. Yes, sir, okay.
Q. Miller, Martin Miller was three.
A. Yes.
Q. Officer Merry was four. Lisa Stallard was five. Linda Bish was six. Mary Hull was seven. Ron Randolph was eight.
A. Okay.
Q. And who else do you have?
A. James Eicher. I couldn't remember because --- that's the case we're doing.
Q. Eicher?
A. Yeah.
Q. Okay, that's the one with Lambert?

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A. Yes, sir. And Paul Walton.
Q. Okay.
A. Oh, let's see, there's a Richard Hammers.
Q. Any more?
A. I come up with one, two, three, four, five, six, seven, oh, Lieutenant Mort.
Q. Lieutenant ---?
A. Ken Mort, Kenneth Mort.
Q. M-O-R-T?
A. Yes, sir. Total of 12 since we opened.
Q. Now, do any of the 12, to your knowledge, involve multiply inmates, in other words, more than one inmate?
A. Yes, sir.
Q. Let's begin, you know, with --- you can say yes or no as I run down the list. That would probably be the most efficient way to do this. If it involved more than one, then say yes, no if it didn't. Langford?
A. No.
Q. Zimmerman?

ATTORNEY HALLORAN:
This is going to be ---

A. No, wait, wait.

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A. I think the time line was the date of the lawsuit.
Q. And you can give me just the last names. Why don't you tell me the three that came up after the lawsuit?
A. I believe it was Marty Miller. I don't have an exact date on that. And then of course in '97 was Hull and Randolph, this year.
Q. Out of the 12, criminal charges were brought against Miller, we know that, don't we? Martin Miller?
A. Yes, sir.
Q. And have criminal charges been brought against --- and we know that Eicher, there were criminal charges against Eicher.
A. Yes, sir.
Q. Paul Walton had criminal charges brought against him, as well; is that correct?
A. Yes, sir.
Q. Any of the others of the 12 have criminal charges brought against them?
A. No, they were handled administratively.
Q. Of the 12, I already know that Langford quit, Zimmerman was fired. And I don't think this is going to be too intrusive for this

purpose. Marty Miller, was he terminated?
A. Yes.
Q. Merry resigned, didn't he?
A. That's correct.
Q. Stallard? Do you recall?
A. No, I don't. I didn't make note of that.
Q. Bish?
A. Nor Bish.
Q. Are they still here or are they no longer here?
A. They're no longer employed.
Q. Mary Hull?
A. She was fired.
Q. Ron Randolph?
A. Resigned.
Q. Hammers?
A. Resigned.
Q. And Mort?
A. Resigned.
Q. Now, I also have learned from records that Hammers, according to the records, was a COT, which means that he was an officer in training; is that correct? I'm not asking you to agree that he was, but does the designation

COT designate an officer in training?
A. I'm not sure whether he was officer or trainee. I couldn't be certain, I can't be certain. He was an officer, where he was in his training, I'm not sure.
Q. My question isn't whether Hammers was an officer in training or not, but does the designation COT mean officer in training?
A. That's Correction's Officer Trainee, correct.
Q. Is a trainee on some sort of a, what do you call that, where they're monitoring his work on a ---

MS. KORMANIC:
Probation?

BY ATTORNEY KRAKOFF:
Q. --- probational --- thank you, on a probationary track?
A. Yes, sir.
Q. And how long are they probationary?
A. For Corrections Officers, one year. Other staff, it's six months.
Q. Do you have a recollection of any of the 12 being trainees at the time of the transactions? Obviously, Mort was a Lieutenant,

so he wasn't a trainee. Do you know whether Eicher was a trainee?
A. No, he was not a trainee. I don't see any others that I would believe were trainees at the time.
Q. And if I wanted to determine how long these employees had worked at Cambridge Springs, you would have records of that, right?
A. Yes, sir.
Q. And if I wanted to find out how long they've been employed with the Department of Corrections, their personnel records would also reflect that?
A. Well, we fix the record, I believe, no, wait. I was answering his question, I didn't answer yours, I'm sorry.
Q. If I want to determine when they started working for the Department of Corrections, somebody in the central office would be ---?
A. We would have a record somewhere of that, yes, sir.
Q. Now, remember you said, I think that I was asking you whether you attributed any factor or factors to the number of incidents of sexual

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abuse that had occurred. I believe you testified that you thought a factor was that there were a lot of newer employees at the prison. Did you testify to that? Do you recall testifying to that?
A. No, I don't recall. I recall you asking me today if I had a hypothesis on that, and I don't think I responded.
Q. In fact, were a lot of the employees at Cambridge Springs relatively new employees who were in their first or second year, during this period between 1992 and 1994?
A. Yes, sir.
Q. Do you think that that was a contributing factor to the number of sexual abuse incidents that occurred at Cambridge Springs?
ATTORNEY HALLORAN:
I'm going to object to the term sexual abuse incidents that occurred.
BY ATTORNEY KRAKOFF:
Q. Okay, let me ask you this to lay a better foundation. Of the 12 employees who were listed that we've reviewed, do you believe that

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there is a substantial reason for believing that each of these 12 persons was involved in incidents of sexual abuse with Cambridge Springs women?
ATTORNEY HALLORAN:
Object to the form of the question. The points of the case speak for themselves.
BY ATTORNEY KRAKOFF:
Q. Based upon the information that you received ---,
A. Yes.
Q. --- I take it that you, in the course of your responsibilities, would receive reports either from the Department of Corrections or from investigations conducted there, or from your staff, if they were conducting the investigation, and would be apprised of the information that they had been able to gather with respect to allegations of sexual abuse on the part of the persons who were investigated?
A. Each case was different. They were not all the same. There were different levels of activity. That's why I'm having trouble answering your question.

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Q. Langford, you already said ---
A. She was not in our custody.
Q. --- you thought there was reason to believe --- I understand that, but that you thought there was reason to believe that, in fact, Langford was living with a parolee; correct?
A. We believed that and she resigned before we could --- to the best of my knowledge or recollection, you know, ---.
Q. Before you could determine it firmly?
A. Right. And we had other cases of that manner. When we started an investigation, people would resign before we had a chance to go the course.
Q. That was your investigations of matters other than sexual ---
A. No, sir.
Q. --- indiscretions?
A. No, sir. They were based on allegations.
Q. You mean people beyond the 12 that you've identified?
A. No. These --- within this list. You asked me a question and putting in the same

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category and I'm having trouble answering your question because there were some that did not fit your definition of what sexual abuse is and I can't answer affirmative.
Q. Langford. You thought there was reason to believe, at the time she resigned, that she had been living with a parolee?
A. After the inmate was out of our custody, yes, sir.
Q. Zimmerman. You fired the man?
A. Yes, sir.
Q. You apparently had reason to believe that he had been involved in some form of ---
A. Yes, sir.
Q. --- sexual misconduct?
ATTORNEY HALLORAN:
Let him finish the question.
BY ATTORNEY KRAKOFF:
Q. Is that correct?
A. That's correct, yeah.
Q. And what was it that you believed he had done?
A. Hugging, kissing and some groping.
Q. Okay. In his office?
A. That's correct, sir.

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over there and ---.

ATTORNEY HALLORAN:

Okay, you want to do that?

BY ATTORNEY KRAKOFF:

Q. Let me show you --- do you recall receiving any other extraordinary occurrence reports which reflected allegations of sexual misconduct by an officer toward an inmate?

A. I can't remember specifically, no, sir.

Q. What was Deputy Kormanic's role, if any, in connection with either the investigation of allegations of sexual abuse against inmates by personnel, or the monitoring of complaints of such investigations. Did she have any role? Did she play a role?

A. She was aware --- I'm not sure exactly what type of role, I can't recall every detailed conversation. I mean, there were six investigations related to this inmate.

Q. You started getting complaints and allegations from persons resigning, persons being fired, because of sexual indiscretions. Was somebody here given the responsibility to be the point person for kind of the overview of these developments, coordinating activities,

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collecting data and information.

A. The intelligence officer would report to me.

Q. So you were the person who was to receive the information primarily?

A. That's correct.

Q. Well, here the intelligence captain got a copy of this extraordinary occurrence report from Metzger, Deputy Kormanic received the report, itself, and you were cc'd on it, according to the notes.

ATTORNEY HALLORAN:

I'm going to object to the form of the question. CC does not indicate that it was received by the Superintendent or Lazenby on the date of the extraordinary occurrence.

BY ATTORNEY KRAKOFF:

Q. Well, I'm not talking about on the date of the extraordinary occurrence. The cc indicates that at some point, you and Lazenby received a copy of this report. You have no recollection of it, correct?

A. I receive hundreds of reports. I have no recollection of that particular one.

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Q. You don't receive hundreds of reports, do you, of sexual --- alleged sexual indiscretions by one, two, three, four, five, six, seven, eight, nine, ten different employees, do you?

A. I don't recall.

ATTORNEY HALLORAN:

His first question is, you don't receive hundreds of reports like this?

A. No, sir.

ATTORNEY HALLORAN:

And you still have no recollection of seeing that?

A. I have no recollection of seeing that.

BY ATTORNEY KRAKOFF:

Q. Do you recall Lazenby, who's supposed to be reporting to you on developments in this area of allegations of sexual abuse; correct?

A. That's correct.

Q. Do you recall him saying to you at any point after the 6th of May, 1995, Superintendent Wolfe, I have an extraordinary occurrence report that was given --- copy of a report that was to me by Deputy Kormanic and in it Lisa Lambert and

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a confidential source are alleging that a number of officers and other personnel have engaged in sexual improprieties with inmates?

A. I do not recall that report.

Q. No, I'm not asking you whether you recall the report. I'm asking you whether Lazenby, after the 6th of May, came to you and said I'd like to talk with you about allegations involving Montano, Merry, Rogers, Coffee, Free, Young, Stewart, Beck, Scmidt, either one or all of those persons?

A. I don't recall him discussing this report. He came to me saying there was information. And that was why we reopened the Eicher case. I don't remember this specific report. I don't how else to answer that.

Q. What information did Officer Lazenby come to you --- what did he tell you and when did he tell you?

A. It was around or about the beginning or the middle of May.

Q. All right. And he came ---.

ATTORNEY HALLORAN:

What year?

A. Of '95.

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Q. In order, I'm sorry. Do you have something to add?
A. Yes. I believe they were used in '93, but I'm not certain of the date.
Q. Are you certain it in was in '93, or are you saying you're not certain in was in '93?
A. I'm not certain it was '93. That's why I answered in the manner I did.
Q. It could have been in '94?
A. I'm not certain.

ATTORNEY HALLORAN:
He's not certain. We'll try to confirm that for you, I'm sure we can do that.

BY ATTORNEY KRAKOFF:
Q. When there is training that is provided at Cambridge Springs, will there be some sort of a document which reflects the nature or the general substance of the training so that if I wanted to confirm what was imparted to the trainees, I could refer to some document?
A. There should be training records.

ATTORNEY KRAKOFF:
Obviously, those would fall within the framework of the requests as

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well, and those will be provided?

ATTORNEY HALLORAN:
Yes.

BY ATTORNEY KRAKOFF:
Q. The training materials that you're referring to that dealt with sexual abuse issues, were those training materials that were used for new recruits? Were those materials that were used as in-service training for persons who were already employed?
A. Both.
Q. Were the training materials used both for corrections officers as well as maintenance personnel?
A. Both.
Q. And also by food service personnel?
A. All of the above.
Q. And have you reviewed any of the video training materials before today? I'm not saying that you reviewed them today. Have you reviewed any of the training videos that dealt with sexual abuse issues?
A. Not in their entirety.
Q. But you have reviewed some of them?
A. Deputy Kormanic ordered some and I was

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made aware of that.
Q. You were made aware of that today or before today?
A. I was refreshed today. I remember it now. There's several others, too, beyond this. There are a lot of professional training tapes out there for corrections officers that we've ordered and that had slipped my mind.
Q. Were these tapes materials that the officers could view if they wanted to, i.e., the viewing was optional, or were these tapes required viewing?
A. They're required viewing.
Q. Now, if the tapes were used prior to Mr. Davis' appearance in September of 1994, did you believe that it was nevertheless important for Mr. Davis to come to Cambridge Springs and if so, why?
A. You can never have enough training. As I said, at this particular moment in time, I can't recall exactly when the tapes were purchased and implemented.
Q. So it is possible that the tapes were ordered after Mr. Davis' first appearance?
A. We have them but I don't know when they

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were ordered.
Q. Now, I received some --- early in your deposition, I had asked you some --- whether it would be possible for you to obtain population counts going back in time, and you were kind enough to gather that information for me. And I just wanted to make sure that I understand what I have been provided with. The first document is a handwritten document and it says daily count for September 25th, 1992, in-house, 147. I know there's something in parentheses but that's not so important. And then it also lists there were no men on furlough and one was ATA. What was ATA?
A. Authorized temporary absence.
Q. And so the total count was 148 in September of 1992. That would have been the total inmate count; is that correct, roughly?
A. I don't know where you got those. I --- my staff provided that to me during the break. I really don't ---.
Q. You don't have first-hand knowledge about how this was gathered. Perhaps we can just have ---?
A. I don't know where the info --- how the

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information and why it was given to you, handwritten in that manner. I really don't know. I know the staff has been working on it. But I didn't even know you were given it.
Q. I'm willing to accept the accuracy and authenticity of those statistics. Perhaps we can just read what the counts were.
ATTORNEY HALLORAN:
If we can just clarify it. I believe that the count would be reflected at this number? This would just be --- the in-house populations would —.
ATTORNEY KRAKOFF:
That's what I'm interested in.
ATTORNEY HALLORAN:
All right. So we're going to look at the in-house population and see whether they appear as though they were probably accurate. And we have 147 on September 25th, 1992, 150 for December 31st, 1992. Would that appear to be accurate to you?
A. It would appear to be.
ATTORNEY HALLORAN:

And 177 for March 3rd, 1993?
A. Okay.
ATTORNEY HALLORAN:
Would that appear to be accurate?
A. Appears to be.
ATTORNEY HALLORAN:
And 208 for September 30th, 1992?
A. Okay.
ATTORNEY HALLORAN:
That appears to be accurate?
A. Uh-huh (yes).
ATTORNEY HALLORAN:
Yes?
A. Yes.
ATTORNEY HALLORAN:
And 211 for December 31st, 1992?
A. In-house. That's our total committed population, would be 219.
ATTORNEY HALLORAN:
Right. But the actual physical prison population would be 211?

A. Yes.
ATTORNEY HALLORAN:
And that's the number we've looking at previously.
A. Uh-huh (yes).
ATTORNEY HALLORAN:
Then 217, general population present on March 30th, 1994?
A. Yes.
ATTORNEY HALLORAN:
And that includes --- that does not include two on the RHU, which would make it 219 on March 31st, 1994.
A. Uh-huh (yes).
ATTORNEY HALLORAN:
Yes?
A. Yes.
ATTORNEY HALLORAN:
And on June 30th, 1994, general population 309, two in the RHU, total of 311 at the institution, physically present?
A. Yes.
ATTORNEY HALLORAN:
And September 30th, 1994,

general population 321, physically present in the institution?
A. Yes.
ATTORNEY HALLORAN:
And December 31st, 1994, 391 general population, four RHU, total 395, physically present in the institution?
A. Yes.
ATTORNEY KRAKOFF:
Thank you.
BY ATTORNEY KRAKOFF:
Q. Now, the final area that I want to question you about is about the issue of the photographing and videotaping of Lisa Lambert, when she was returned to the restricted housing unit. Now, is there a policy that you're aware of, either at the DOC level or at the prison level, which authorizes either the photographing or the videotaping of inmates when they are brought to the prison from places outside th- institution?
A. Yes, sir, there is.
Q. And can you identify what that policy is? Is it a DOC level policy or is it something

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that was adopted at Cambridge Springs?
A. It's a DOC policy that was the result of a ACLU lawsuit.
Q. And the lawsuit was Austin? Was it the class action, state-wide?
A. I can't --- there's been a number of --- and I'm sorry, I don't recall right now, I should. The day's wearing on.
Q. No, I know that.
A. It was a result, as a result of an ACLU lawsuit. I don't remember exactly which one. The department, as part of the settlement, is my understanding they required all admissions to the RHU to be videotaped.
Q. Perhaps, with the assistance of Mr. Halloran, and I'll give you an opportunity to consult, we can locate that policy. Do you want me to leave for a few minutes so you can talk.
ATTORNEY HALLORAN:
Yes.
SHORT BREAK TAKEN
BY ATTORNEY KRAKOFF:
Q. Perhaps with the assistance of Mr. Halloran, you can locate the policy, if you have

it here today.
ATTORNEY HALLORAN:
There's DOC 203, is the policy on the strip search, and we don't have the number of the policy on the videotaping and we're not sure what the effective date of that was.
A. That's what I was advised. I'm not sure what policy came out relative to ---.
BY ATTORNEY KRAKOFF:
Q. Whether it was before or after —
A. That's correct, I'm not sure.
Q. --- Lambert?
A. Right. I may be ---.
MS. KORMANIC:
I think it was part of when we first went through everything, we had sent a copy to upgrade to the attorneys.
ATTORNEY KRAKOFF:
Oh, I'm sorry. I think I do have 203.
MS. KORMANIC:
And I believe we made you a copy of ATA also.

OFF RECORD DISCUSSION
ATTORNEY KRAKOFF:
I have a file on when the incident took place on November 22nd, 1994. There's a dispensary card notation that indicates that it occurred at 1500, which would be three o'clock, civilian time. It says, brought back, I'm reading from the notes, was brought back from ATA to medical, accompanied by Lieutenant Beck, Sergeant Chase, COTs E. Jones and COT Howard, later joined by Deputy Kormanic. It goes on from there?
BY ATTORNEY KRAKOFF:
Q. What does ATA mean?
A. Authorized temporary absence.
Q. And when it says brought back from ATA to medical, does that mean, according to your understanding, that she was brought back to the medical area, somewhere?
A. Our medical department is located in the same floor and the same building as our receiving unit.
Q. Now, is that number 203, is that the

strip search policy?
A. That's searches of inmates.
Q. And that is dated, what is the date of that policy, in terms of it's implementation date? Does it have a date?
A. May 1st, 1984.
Q. And as far as you can recall, that policy was in effect on the 22nd of November, 1994?
A. Yes, it was.
Q. Is there anything in that policy that authorizes the photographing or videotaping of an inmate.
A. Nothing I see, specifically.
Q. And do you have a copy of the policy that was developed in conjunction with the Austin case that you contend authorizes the videotaping, or maybe even obligates the ---
A. Obligates.
Q. — prison, okay, to photograph and/or videotape an inmate, do you have a copy of that?
A. We do.
Q. Do you have that with you?
A. No, I don't.
Q. But it's on the grounds somewhere?

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